

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:23-cv-00207-MR-WCM

TODD W. SHORT,  
  
Plaintiff,

v.

MICHAEL BOYD  
*FBI Special Agent, in his  
individual capacity*  
JOHN DOE  
*FBI Special Agent 1-6, in  
their individual capacities*  
  
Defendants.

ORDER

This matter is before the Court on Plaintiff's "Motion to Include Stricken Affidavit and the Attached Exhibits in Record on Appeal and to Preserve the Flash Drive Ordered Held by the Court Also to be Made Part of the Appeal." Doc. 103.

Among other things, the order of the presiding District Judge that was filed on January 27, 2025 directed that an affidavit submitted previously by Plaintiff (Doc. 95-1) be stricken, finding it to be "wholly irrelevant to the issue of identifying any of the Defendants named by the Plaintiff in his Complaint such that any Defendants may be served." Doc. 98 at 10. The undersigned has been advised that the affidavit nonetheless remains available for review by the

United States Court of Appeals for the Fourth Circuit in connection with its consideration of Plaintiff's pending appeal.

Similarly, the flash drive submitted previously by Plaintiff remains in the custody of the Clerk and is also available for review by the United States Court of Appeals for the Fourth Circuit.

Accordingly, Plaintiff's Motion (Doc. 103) is **DENIED**.

It is so ordered.

Signed: January 31, 2025

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf  
United States Magistrate Judge

